UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,507	12/21/2001	Donald E. Bobbitt	42072	2198

1609 7590 07/12/2004

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER	
YIP, WINNIE S	
ART UNIT	**PAPER NUMBER**
3637	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/024,507	BOBBITT, DONALD E.
	Examiner	Art Unit
	Winnie Yip	3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is a first office action for a Request for Continued Examination application (RCE), filed April 30, 2004, of earlier application.

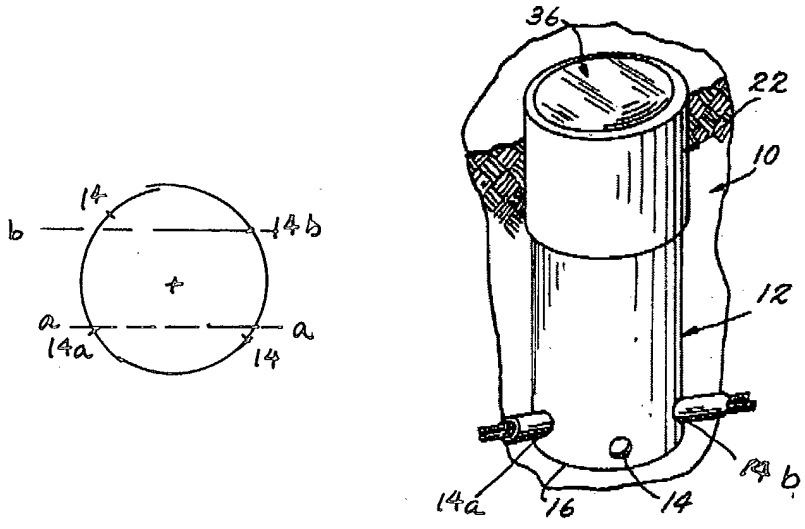
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

1. Claims 1-7, 10-11, 13-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by White (US Patent No. 5,156,454) .

White shows and discloses a light fixture foundation comprising: a hollow shaft (12) having a tubular wall extending inherently along a central longitudinal axis, a plurality of cableway openings (14) extending through the tubular wall along axes substantially perpendicular to the central longitudinal axis, wherein the cableway openings (14) being located substantially in a same lever but laterally spaced from each other, at least two cableway openings (14a , 14b) extending through the tubular wall along a first axis (a-a) and a second axis (b-b) which are considered to disposed on diametrically opposing sides of the hollow shaft and are substantial parallel to each other which are non-coaxial as claimed (see Fig. 1 shown bellow), at least two cableways (18) supporting electrical wiring (40) and being received in the respective cableway openings, said cableways being substantially at a same vertical lever such that the cableways are positioned co-planar with respect to each other, and a support member (22) for supporting a lighting assembly (30) coupled to the shaft, said support member having a passageway (26) in communication with the hollow shaft to receive the cableways such that the cableways are extended through the passageway.

FIG.1.



Claim Rejections - 35 USC § 103

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbell Power system, Inc. (see Lighting Foundations, CHANCE, Bulletin 2-9705) in view of Gagliano (US Patent No. 5,039,256).

Hubbell Power Systems, Inc. (see attachment) teaches installing on site a lighting fixture foundation comprising a method of excavating a trench (a) having a depth and a width sufficiently receiving the lighting fixture foundation, the lighting fixture foundation comprising a elongated hollow shaft (b) having cableway openings (c) being precut to extend through opposite surfaces of the tubular wall of the shaft, wherein the cableway openings are aligned in a same lever, an anchor (d) at the lower end of the hollow shaft for driving and supporting the hollow shaft through the bottom the trench into the ground, a support member being a base plate (e) fixed to an axial upper end of the shaft, the base plate having notches (f) to receive bolts (g) for

releasably supporting a lighting assembly thereon, the support member having a passageway (h) in communication with the hollow shaft such that cableways are extended through the cableway openings in opposite directions and the through the passageway of the support member to the lighting assembly. Wherein, Hubbell Power System teaches the lighting fixture foundation being installed by obvious alternative steps of excavating a trench in suitable depth and width, anchoring the hollow shaft in the trench by a hydraulic rotary equipment, placing cableways supporting electrical wiring in the trench on opposite sides of the shaft , inserting the cableways into the cableway openings and extending upward through the passageway of the support member, mounting a lighting assembly being coupled to the support member, and connecting the electrical wiring of the cableways with the lighting unit supported by the light support .

Hubbell Power System fails to define the hollow shaft having cableway openings formed on opposite surfaces of the hollow shaft and not co-axial such that the cableways are laterally spaced from each other as claimed for receiving cables being substantially perpendicular to the longitudinal axis of the hollow shaft and extending spaced apart without interfering with one another. Gagliano teaches a foundation to be anchoring in ground, comprising a hollow shaft having a tubular wall (1) extending along a central longitudinal axis, a plurality of openings (4 or 5) extending substantially perpendicular to the central axis of the hollow shaft, wherein the openings include a first opening and second opening disposed on diametrically opposing sides of the hollow shaft, the first and second openings are substantially parallel and are non-coaxially laterally spaced each other for preventing the inserted tubular members (2) being interfered with one another. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light fixture foundation of Hubbell Power System Inc. having

the hollow tubular shaft precut with at least two cableway openings on diametrically opposing sides being non-coaxial and laterally spaced from each other taught by Gagliano for receiving cableways to connect wiring without interfere each other.

Response to Arguments

3. Applicant's arguments filed April 30, 2004 with respect to claims 1-20 under U.S.C. 102/103, and specifically to the feature for "the cableway openings having axes that are disposed on diametrically opposing sides of the hollow shaft" has been considered. This feature was not specifically and previously claimed. Therefore, this argument is deemed to be moot in view of the new grounds of rejection.

Further, in response to applicant's argument that White does not anticipate the claimed invention because the cableway opening (14) of White were not disposed diametrically opposing sides of the hollow shaft and laterally spaced as recited in both independent claims 1, 10, 16, and 19. Applicant's arguments have been fully considered but they are not deemed persuasive. Notice, anticipation is established when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 221 USPQ 385, 388 (Fed. Cir. 1984). It is not necessary that the reference teach what the subject application teaches, but only that the claim read on something discloses in the reference, i.e., that all of the limitations in the claim be found in or fully met by the reference. Kalman v. Kimberly Clark Corp., 713 F.2d 760,772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984). In this case, as mentioned by applicant, White shows the light fixture foundation having holes (14) disposed around the hollow shaft (12) at different positions aground the surface of the hollow

shaft. Due to the diametrical shape, the adjacent holes (14) of White are considered disposed on diametrically opposing sides and laterally spaced from one another since the hollow shaft is circular in shape, and the adjacent holes (14) which is disposed at 0° and 90°, or 90° and 180° are considered to have axes being non-coaxial (the axes are perpendicular to each other) but disposed co-planar as claimed. And, White teaches the openings being used for separately positioning the cableways in different positions which solves the same problem of preventing the cableway interfering each other as claimed invention. So White's device is considered to read on the claimed invention.

Therefore, the rejections are deemed proper.

Citations

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vanderlinde '541 and Emshwiller '435 teach various hollow shafts may have openings disposed on diametrically opposing sides and laterally spaced with respect to each other as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

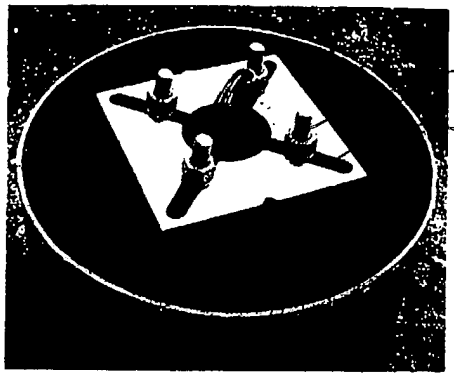
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

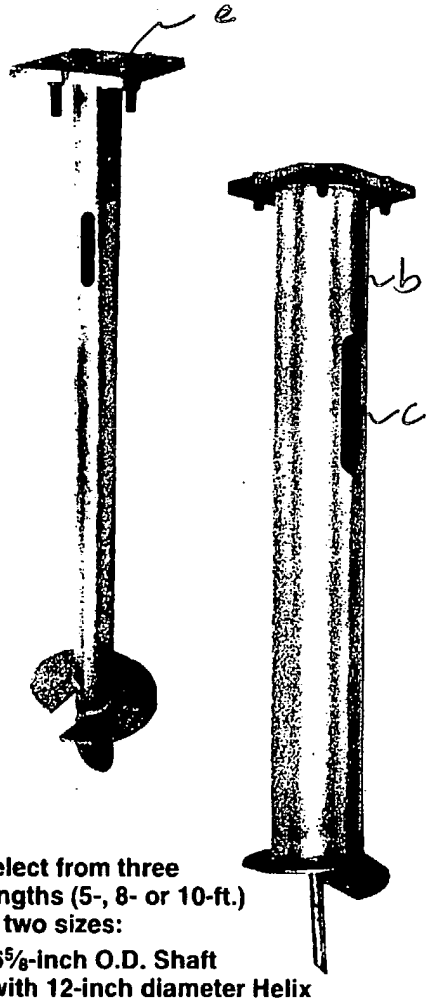
Winnie Yip
Primary Examiner
Art Unit 3637

wsy
June 28, 2004

Economical, No-Site Preparation, Versatile

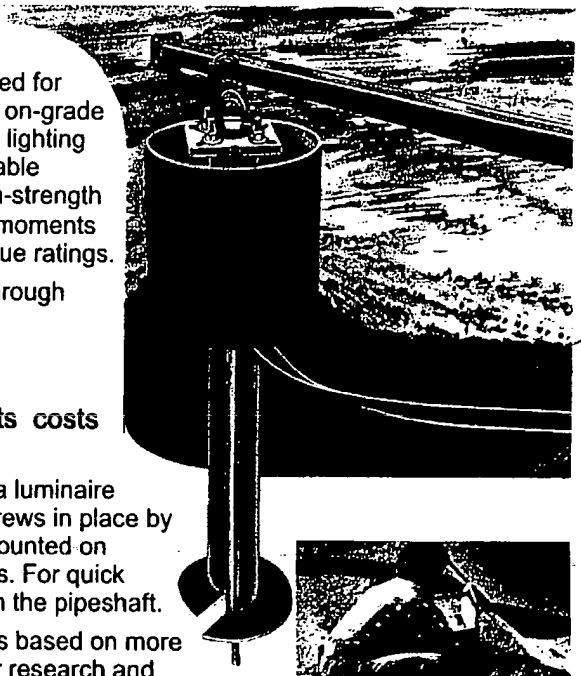
Be more profitable and meet your customers' concerns. Immediacy of low-cost installation delivers a total product with performance that builds your reputation.





Specifically designed for above-grade and on-grade mounting of parking-area/site lighting standards, these non-extendable foundation anchors have high-strength pipe shafts to resist bending moments and substantial installing-torque ratings.

They often can be installed through macadam surfaces.



One-trip convenience cuts costs and saves time!

For immediate installation of a luminaire foundation, a steel anchor screws in place by hydraulic rotary equipment mounted on common construction vehicles. For quick wiring, a cableway is precut in the pipeshaft.

This pre-engineered system is based on more than 80 years of earth-anchor research and development by ISO 9001-certified manufacturer A.B. Chance Company, Centralia, Missouri, which also markets to electric utilities, telecommunications and pipeline industries worldwide.

Select from three lengths (5-, 8- or 10-ft.) in two sizes:

- **6⅝-inch O.D. Shaft with 12-inch diameter Helix**

or

- **8⅝-inch O.D. Shaft with 14-inch diameter Helix**

Selections listed at right are with variable bolt-circle base plates. Bolts, nuts and washers are included. For other combinations of bolt circles, base plates, shaft sizes and lengths, consult factory or your distributor.

Maximum installing torque ratings: 6⅝" O.D. shaft rated for 15,000 ft.-lb.
8⅝" O.D. shaft rated for 20,000 ft.-lb.

Specifications for all foundations listed below include:

- 1 in. x 12 in.-square Base Plate with 4-bolt variable Bolt Circle*
- Four 1 in. x 4 in. Grade 5 Carriage Bolts with nuts and washers
- 2½ in. x 18 in. Cableway on shaft • All hot-dip galvanized to ASTM A153

Foundation Overall Length	Catalog Number		Distance from Bottom of Base Plate to Top of Cableway
	6⅝" Shaft, 12" Helix, *8"-14" B.C.	8⅝" Shaft, 14" Helix, *9½"-14" B.C.	
5 feet	T112-0563	T112-0566	18 inches
8 feet	T112-0564	T112-0567	48 inches
10 feet	T112-0565	T112-0568	48 inches